

UNITED STATES DISTRICT COURT

MIDDLE GEORGIA DIVISION - MACON

ET8 - LP

TRANSCENDENT ELECTRA MANAGEMENT, LLC
C/O P.O. Box 451027
Atlanta, Georgia 31145
770-491-0522

Case # 5:23cv196

v.

GORDON, WILLIAM,
ALL Other Occupants
117 MARTIN MILL TRL
WARNER ROBINS, GEORGIA 31093

===== Defendants' Petition for Removal of Claim in the Houston County
Magistrate Court to the US District Court of Middle Georgia - Macon =====

Come now the undersigned and makes application to remove the above style case from the Magistrate Court of Houston County to United States District Court of Middle Georgia, Macon Division. The undersigned removes this case pursuant to 28 U.S.C 1441. Gordon removes this case based on the order receive in the mail on May 22, 2023. Removal is appropriate as the original action and counterclaim both arise out of the collection of an alleged debt which is regulated under the Federal laws known as the Fair Debt Collection Practices Act, 15 U.S.C 1692k(d).

Pursuant to 28 U.S.C. 1446, the undersigned complies with the removal procedures and shows the court the following:

1. CSS Services Incorporated is a third-party debt collector in this action whose agent filed a verified claim in the Magistrate Court of Houston County to collect an alleged debt of \$14,808.45 along with daily accrual fees. (See Complaint)
2. CSS Services Incorporated's agent signed and verified the complaint in the name of ET8-LP and Transcendent Electra Management, LLC while using its own address and phone number to misrepresent the person who is actually attempting to collect the alleged debt.
3. David B. Ricks, Attorney at Law, LLC was retained to provide counsel for Transcendent Electra Management, LLC.
4. On May 1, 2023, David B. Ricks Attorney at Law made an entry of appearance for Transcendent Electra Management, LLC.
5. Transcendent Electra Management, LLC is a foreign limited liability company registered in Delaware with its principal place of business in Florida is acting as a debt collector pursuant to 15 U.S.C. 1692a (6) for ET-8 LP (homeowner) by attempting to collect an alleged debt.

6. The **record does not reflect** that Transcendent Electra Management, LLC is registered with Georgia Secretary of State to transact business in the State of Georgia.
7. Pursuant to OCGA 14-11-711, "A foreign limited liability company transacting business in this state **may not maintain an action, suit, or proceeding in a court of this state** until it is authorized to transact business in this state".
8. Let **the record reflect** that ET-8 LP who is the owner of record did not appear in this cause. As shown by the record only CSS Services Incorporated, by filing a verified claim appeared and Transcendent Electra Management, LLC appeared by the re-presentation of David B. Hicks Attorney at Law, LLC.
9. This court is not precluded from hearing this case due to lack of subject matter jurisdiction of the Magistrate Court of Houston County, as both the original complaint and the compulsory counterclaim arise under 15 U.S.C.1692.

Conclusion

Removal of this claim from the Magistrate Court of Houston County to the Federal District Court of Middle Georgia- Macon division is just and proper. The undersigned have attached all

documents in this proceeding and petitions this Court to adjudicate this cause pursuant to Article XI, section II (Supremacy Clause) of the Constitution of the United States.

Let it be resolved this document is signed by my hand and will, with my yea being my yea and my nay being my nay,

"Sanctify them through thy truth, they word is thy truth"

John 17:17

Date: 05/31/2023

By: William Haywood Gordon
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